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May 3, 2022

BY HAND AND ECF

The Honorable Jed S. Rakoff
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Sean Stewart*, S1 15 Cr. 287 (JSR)
Request for Early Termination of Supervised Release

Dear Judge Rakoff:

We are counsel to Sean Stewart, who is currently serving a term of supervised release in the above-referenced case. We respectfully write to request early termination of Mr. Stewart's supervised release. We have conferred with U.S. Probation Officer Zondra Jackson, and she concurs. Officer Jackson has informed us that she is supportive of early termination. Early termination is warranted by Mr. Stewart's conduct and is in the interests of justice.

Mr. Stewart and his father were each arrested in May 2015. Mr. Stewart entered a plea of not guilty in the United States District Court for the Southern District of New York, stood trial, was convicted in August 2016, and was sentenced to 36 months' imprisonment. Mr. Stewart began serving his sentence after voluntarily surrendering on June 6, 2017. At the same time, Mr. Stewart appealed his conviction to the Second Circuit Court of Appeals on the basis that the District Court had improperly excluded evidence critical to his defense. On June 28, 2018, after Mr. Stewart had served 13 months of his sentence, the Second Circuit ordered Mr. Stewart's release from prison as the Court continued to consider his appeal. At the time of his release, Mr. Stewart's application to transition to a Residential Reentry Center had already been approved. On November 5, 2018, the Second Circuit reversed the conviction and remanded for a new trial. Mr. Stewart was retried and convicted in September 2019. The Probation Office recommended that Mr. Stewart receive a sentence of time served. On December 3, 2019, Your Honor sentenced Mr. Stewart to 24 months' imprisonment and 3 years of supervised release. Mr. Stewart began serving his sentence on February 11, 2020. He was released on to home confinement on April 23, 2020, and subsequently to a halfway house on May 29, 2020.

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This Court has the authority to terminate supervision at any time after the expiration of one year, if such action is “warranted by the conduct of the defendant released and the interest of justice.” *See* 18 U.S.C. §3583(e)(1). To determine whether early termination is warranted, the Court must consider certain factors listed in 18 U.S.C. §3553(a), which bear on “deterrence, public safety, rehabilitation, proportionality, and consistency.” *United States v. Lussier*, 104 F.3d 32, 35 (2d Cir. 1997). *See also United States v. Kapsis*, No. 06-CR-827-WHP, 2013 WL 1632808, at *1 (S.D.N.Y. Apr. 16, 2013) (granting early termination where, “[d]uring his term of supervised release, [defendant] has maintained steady employment, successfully completed treatment, and had no negative contacts with law enforcement—all of which favors early termination”); *United States v. Schuster*, No. 01-CR-67-TPG, 2002 WL 31098493, at *1 (S.D.N.Y. Sept. 19, 2002) (granting early termination explaining that “Defendant has no need of further probation supervision” and “[c]ontinued probation has no real value as far as law enforcement or any other community interest is concerned”). Mr. Stewart’s conduct while on supervision demonstrates that the interests of justice warrant early termination.

Mr. Stewart has been fully compliant with the conditions of his supervision. All Court fines have been paid, and there was no restitution required or community service mandated. Following his release in 2020, Mr. Stewart successfully maintained gainful employment during the supervised release period. Mr. Stewart is also a dedicated father, and his presence is instrumental to his 9-year-old son’s well-being. Mr. Stewart enjoys actively participating in guiding and mentoring his son, including coaching his son’s little league and lacrosse teams. Mr. Stewart has also kept a stable residence in New York. The Court did not receive any negative reports from the Department of Probation related to Mr. Stewart.

Mr. Stewart has been down a long road since he was initially arrested in 2015. As Mr. Stewart’s priest wrote to the Court prior to Mr. Stewart’s 2019 sentencing, Mr. Stewart’s “present difficulties have come about by reason of the comfort provided him by his familial and father-son relations.” *See* ECF 364, Exhibit A. Other than the allegations for which supervised release is currently imposed, Mr. Stewart has never been charged with a crime. He does not pose a risk of recidivism, and he is not a danger to the community. There is no doubt that Mr. Stewart is intelligent and highly capable, and wants to be a productive member of society. Under the circumstances, early termination of supervision is in the interests of justice. Given Mr. Stewart’s exemplary conduct with the terms of his supervision over the past 18 months, we respectfully ask the Court to terminate Mr. Stewart’s supervision pursuant to 18 U.S.C. §3583(e)(1).

Respectfully submitted,

s/Steven M. Witzel

cc: AUSA Richard Cooper (by ECF)

U.S. Probation Officer Zondra Jackson (by E-mail: zondra_jackson@nysp.uscourts.gov)